

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

NEVA COSTNER,)
Plaintiff,)
v.)
DOLGENCORP, LLC,)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff moved to quash the notice of deposition served upon witness Dr. Brown.

The notice, which was sent on January 29, 2019, without first notifying the witness or plaintiff's attorney, set the deposition for February 15, 2019. Plaintiff states that Dr. Brown had surgeries scheduled for that date, so he was unable to attend. Plaintiff offered February 20 or 25.

Defendant responds that the notice requested that the Medical Records Custodian for Dr. Andrew Brown appear with certain records. Defendant explained that if Dr. Brown is his own records custodian and was unavailable on February 15, then they would discuss other available dates because the February 20 and 25th dates were not available for defense counsel.

Plaintiff filed the motion to quash on February 14. Defendant's response was filed February 14. It is unclear what if anything occurred on February 15, the day of the records custodian deposition. Defendant states that it simply wants to obtain the requested documents.

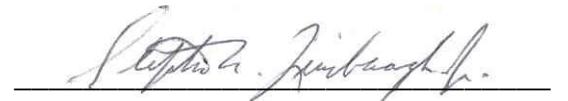
The Court presumes that, by now, the parties have worked out their differences. Plaintiff has not indicated whether Dr. Brown is his own records custodian, thus it is not clear whether Dr. Brown's availability is even relevant. Plaintiff did not file a reply memorandum.

The Court will deny the motion and expects that defendant has obtained the documents it needs.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to quash (#34) is **DENIED as moot.**

So ordered this 22nd day of February, 2019.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE